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JUN 04 2012

Docket No.: 2121-0140P  
(Patent)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Letters Patent of:

Judith MELKI et al.

Patent No.: 7,033,752

Confirmation No.: 3158

Issued: April 25, 2006

Art Unit: 1647

For: SPINAL MUSCULAR ATROPHY  
DIAGNOSTIC METHODS

Examiner: R. HAYES

**REQUEST FOR CERTIFICATE OF CORRECTION**  
**PURSUANT TO 35 U.S.C. 255 AND 37 C.F.R. 1.323**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Upon reviewing the above-identified patent, the errors shown in the attached PTO/SB/44 were noted. Specifically, the following typographical errors were noted in claims 1, 11, and 22.

1) *Error 1* - Claim 1, column 67, line 22, should be amended as follows: --SEQ ID NO: 12 13--.

This correction to claim 1 is made to correct a readily apparent typographical error, which was introduced claim 1, after it was in condition for allowance. Claim 1, lines 20-22 state, in part, "or exon 8 to the corresponding exon from nucleotide position 846 to nucleotide position 1408 of SEQ ID NO:12..." However, it is readily apparent upon reading the specification at column 11, lines 3-12, wherein FIG 3A and FIG 3B are described, that there is an error in the reference to SEQ ID NO:12. SEQ ID NO:12 corresponds to FIG 3A. However, there is no exon in positions 846 to 1408 in FIG 3A (i.e. SEQ ID NO:12). Rather it is apparent upon considering FIG 3B that the exon is present at positions 846 to 1408 of FIG 3B, i.e. SEQ ID NO:13.

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A review of the file-history of the '752 patent shows that this typographical error was introduced into the specification, after claim 1 was indicated as being allowable by the Examiner. Claim 1 as issued in the '752 patent corresponds to claim 40 of the response of February 13, 2002. In that response, it can be seen that claim 40 (issued claim 1) correctly recited SEQ ID NO: 13 with regards to the exon at positions 846 to 1408. On February 17, 2004, the Examiner indicated that claim 40 was allowed. Claim 40 was not amended in the time from the response of February 13, 2002, to the indication that claim 40 was allowable on February 17, 2004. Thus, the Examiner allowed the claim with the proper recitation of SEQ ID NO:13. On October 19, 2004, Applicants submitted an amendment, in which claim 40 was not amended and was indicated as being allowed. Unfortunately, in drafting the claim set for the response of October 19, 2004, a typographical error was introduced into claim 40 (issued claim 1) and SEQ ID NO: 13, was mistyped as SEQ ID NO:12 with reference to the exon at positions 846 to 1408. It is clear that the claim as allowed recited the correct sequence and the error was introduced after allowance. In addition, the presence and correction of the error are readily apparent from specification and FIG 3A and FIG 3B. As such, correction of this error is appropriate through Certificate of Correction.

2) **Error 2** -- The following typographical error should be corrected in claim 1, line 19; claim 11, line 31; and claim 22, line 18.

--nucleotides ~~340~~ 348 to 401 of SEQ ID NO:13--

The typographical error to claim 1 (pending claim 40) and claim 11 (pending claim 50) was introduced with the amendment filed on February 13, 2002. The error to claim 22 (pending claim 69) was introduced with the amendment filed on January 29, 2003. A review of the claims and specification readily identify the presence and correction of this error. The corrected parts of claims 1, 11 and 22 refer to exon 7 of SEQ ID NO:13. Exon 7 is discussed at column 11, lines 10-12 of the specification, which states, "FIG 3B (SEQ ID NO:13) represents the sequence from intron 6 up to the end of exon 8 of the T-BCD541 gene. The sequence of exons 7 and 8 is underlined." (emphasis added) Exon 7 is further discussed at column 11, lines 38-48, which discuss FIG. 10. FIG 10. similarly depicts exon 7. It would be readily apparent from the specification, particularly from column 11, lines 10-12 and 38-48 and FIG 3B and FIG 10 that the correct start position of Exon 7 is at position 348 of SEQ ID NO:13 rather than at position

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340, i.e. the underlined part of FIG 3B and beginning of the coded part of FIG 10. In addition, since the correct sequence is 8 bases shorter than the sequence considered by the Examiner, and thus of narrower scope, no issue raised that would require additional examination. As such, correction of this error is appropriate through Certificate of Correction.

The mistakes sought to be corrected are part of a clerical or typographical nature, or of minor character, at least one of which was not the fault of the PTO. The errors were made in good faith and do not involve such changes in the patent as would constitute new matter or require reexamination.


Transmitted herewith is a proposed Certificate of Correction effecting such amendment. Patentee respectfully solicits the granting of the requested Certificate of Correction.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated:

OCT 3 2011

Respectfully submitted,

By   
MaryAnne Armstrong, PhD  
Registration No.: 40069  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, VA 22040-0747  
703-205-8000

Attachment: Certificate of Correction Form PTO/SB/44

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PTO/SB/44 (09-07)  
Approved for use through 08/31/2010, OMB 0651-0033  
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(Also Form PTO-1050)

# UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,033,752  
APPLICATION NO. : 09/109,082  
ISSUE DATE : April 25, 2006  
INVENTOR(S) : Judith MELKI et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

**In the claims:**

Claim 1, column 67, line 19,

"position 340" should read --position 348-- ;

Claim 1, column 67, line 22,

"SEQ ID NO:12" should read --SEQ ID NO:13--;

Claim 11, column 68, line 32,

"position 340" should read --position 348-- ;

Claim 22, column 70, line 18,

"nucleotides 340 to" should read --nucleotides 348 to--

MAILING ADDRESS OF SENDER (Please do not use customer number below):

MaryAnne Armstrong, PhD  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
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Falls Church, VA 22040-0747

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P. 01

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JUL 27 2011

Certificate

JUL 29 2011

of Correction

**Fax**

To: Certificate of Correction Branch  
U.S. Patent and Trademark Office

From: Sarah L. Beatty, Manager  
Special Projects Department

Fax: 571-273-8300

Date: July 27, 2011

Phone: 571-272-4200 #3

Pages: 7 (including cover sheet)

Your Ref.: U.S. Patent 7,033,752 B1

Our Ref.: 2121-0140P

Re: Status Inquiry re Certificate of Correction CC:

☒ Urgent

☐ For Review

☐ Please Comment

☒ Please Reply

☐ Please Recycle

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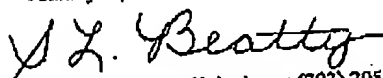
Comments:

Dear Sir/Madam:

On November 4, 2009, a Request for Certificate of Correction was electronically filed in the USPTO in connection with the above-identified matter. A copy is attached for your convenience.

Since more than one and one-half (1.5) years have passed since the Request was filed, the undersigned respectfully inquires as to the status of the requested Certificate of Correction.

Thank you,



Sarah L. Beatty - Telephone: (703) 205-8000 - E-mail: mailroom@bskb.com

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Effective 01/20/2009  
Form pursuant to the Computerized Appropriations Act, 2005 P.L.R. 48181.

PTO/SB/17 (10-08)  
Approved for use through 06/30/2010. OMB 0551-0032  
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE  
This form displays a valid OMB control number.

**FEE TRANSMITTAL**  
For FY 2009

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 100.00

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 02-2448 Deposit Account Name: Birch, Stewart, Kolach & Birch, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	690	325	
Provisional	220	110	0	0	0	0	

**2. EXCESS CLAIM FEES**

For Description:

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fees Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fees Paid (\$)
20 or HP	x					
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fees Paid (\$)			
3 or HP	x					
HP = highest number of independent claims paid for, if greater than 3						

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)
100	50	(round up to a whole number) x		

**4. OTHER FEES**

Non-English Specification: \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1811 Certificate of correction

100.00

SUBMITTED BY: [Signature] Registration No. 40,069 Telephone (703) 205-8000

Name (Print/Type): MaryAnne Armstrong Date: JUN - 2 2011

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Birch, Stewart, Kolach &amp; Birch, LLP

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P. 05

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Docket No.: 2121-0140P  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:  
Judith MELKI et al.

Patent No.: 7,033,752 B1

Issued: April 25, 2006

For: SPINAL MUSCULAR ATROPHY  
DIAGNOSTIC METHOD (AS AMENDED)

REQUEST FOR CERTIFICATE OF CORRECTION  
PURSUANT TO 37 CFR 1.323

Attention: Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Upon reviewing the above-identified patent, Patentee noted the following typographical error, which should be corrected.

In the Claims:

In Claim 1, lines 20 and 22: "SEQ ID NO: 12" should read —SEQ ID NO: 13—

The typographical error inadvertently introduced by the Applicant with the amendment filed on October 19, 2004. Previous versions of the claim in the file history are correct. This error was made in good faith and both the identification thereof and nature of the correction would be readily apparent to one skilled in the art reading the patent. One skilled in the art would immediately note the presence of the error by the inconsistency between claim 1 (which recites SEQ ID NO:12) and claims 11 and 22, (which recite SEQ ID NO:13). The nature of the correction would be readily apparent because one skilled in the art would recognize that the

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Docket No.: 2121-0140P

Patent No.: 7,033,752 B1

location of exons 7 and 8 cannot respectively correspond to nucleotide positions 340-401 and 846-1408 in SEQ ID NO:12, but rather correspond to these positions in SEQ ID NO:13, also depicted in Figure 3. Further claim 1, when allowed per the Office Action of February 17, 2004, as then pending claim 40, correctly recited SEQ ID NO:13. Thus, the claim as examined and allowed recited SEQ ID NO:13. As such, no issues of patentability are created by correction of this typographical error.

Please charge our Deposit Account No. 02-2448 in the amount of \$100.00 covering the fee set forth in 37 CFR 1.20(a).

Transmitted herewith is a proposed Certificate of Correction effecting such amendment. Patentee respectfully solicits the granting of the requested Certificate of Correction.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: NOV - 4 2009

Respectfully submitted,

By Mary Anne Armstrong  
Mary Anne Armstrong  
Registration No.: 40,069  
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Attorney for Applicant

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P. 07

PTO/CBA/4 (09-07)  
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(ASP Form PTO-1050)

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 7,033,752 B1  
APPLICATION NO. : 09/109,082  
ISSUE DATE : April 25, 2006  
INVENTOR(S) : Judith MELKI et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

**In the Claims:**

In Claim 1, lines 20 and 22:

"SEQ ID NO: 12" should read —SEQ ID NO: 13—

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Birch, Stewart, Kolasch & Birch, LLP

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PAGE 7/7 \* RCVD AT 7/27/2011 8:53:59 PM [Eastern Daylight Time] \* SVR:W-PTOFAX-001/43 \* DNIS:2738300 \* CSID:703 2058050 \* DURATION (mm:ss):01:20

PAGE 11/11 \* RCVD AT 6/4/2012 11:30:05 AM [Eastern Daylight Time] \* SVR:W-PTOFAX-001/7 \* DNIS:2738300 \* CSID:703 2058050 \* DURATION (mm:ss):02:01